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Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Regulatory Programs Committee

FROM: Richard Weber, Deputy Director, Regulatory Programs

DATE: September 8, 2016

RE: Paul & Alice Schielke (P2016-0008) Variance Application

SUMMARY

Paul G. and Alice Schielke (“applicants”) are the owners of a 2.0±-acre parcel located in the Town of Long Lake, Hamilton County, on the shoreline of Long Lake. The property is located in an area classified Rural Use by the Adirondack Park Land Use and Development Plan Map.

The variance site is developed with a pre-existing, single story, three bedroom, single family dwelling with an unfinished walkout basement, and a removable dock for access to the lake. The dwelling is served by an on-site wastewater treatment system and water pumped from the lake. The dwelling is 24 feet 9± inches in height and has a total footprint both in and outside the shoreline setback area of 1,145± square feet, including attached deck, stairs and chimney. Approximately 1,070 square feet of the existing footprint is within the shoreline setback area, including 758 square feet of interior space, 298 square feet of deck and stairs, and 14 square feet of chimney. The deck extends to 36.5± feet from the mean high water mark of Long Lake at its closest point. Neighboring properties are similarly developed with single family dwellings.

The variance site is mostly wooded, with deciduous and coniferous trees between the dwelling and the road providing a backdrop for the structure, while additional trees and shrubs located between the dwelling and the lake provide a visual screen of the dwelling as viewed from the lake.

The applicants have requested a variance from the 75-foot setback to the mean high water mark of Long Lake to allow for the construction of an expansion of the pre-existing single family dwelling adding 645 square feet of additional footprint (465± square feet of interior space and 180± square feet of exterior deck) within the setback area. The expanded dwelling will be widened from 28.5± feet to 48± feet. The purpose of the expansion is to accommodate use by a larger number of immediate family members. The expansion will provide additional space for the family to congregate, an additional sleeping area, one additional bathroom, improved kitchen facilities, and the

installation of a wood stove for heating. The kitchen improvements would occur within the footprint of the existing deck reducing the existing deck size by 60 square feet. The proposed deck on the expansion would be constructed to the same 8 foot depth as the existing deck. The request requires a 38.5 foot variance from the 75 foot shoreline setback from the mean high water mark of Long Lake.

The total footprint of the dwelling both in and outside the setback area will be 1,925 square feet, including 410± square feet of exterior deck. The existing on-site wastewater treatment system located outside the shoreline setback area will be redesigned to serve the increased number of bedrooms. Two trees 10 inches in diameter at breast height will be removed from the site of the structure expansion, and additional vegetation will be cleared behind the dwelling for the wastewater treatment system upgrade. Construction access will be along the existing gravel drive and parking area.

STAFF ANALYSIS

In arriving at its determination whether to grant a variance, the Agency must consider the criteria set forth in 9 NYCRR § 576.1. It is staff's opinion that this application is approvable under these criteria.

Staff review indicates that construction of the proposed expansion as described in the plans will not adversely affect the water quality or aesthetic character of the Park or Long Lake. Implementation of the proposed stormwater and erosion controls will help to mitigate any potential impacts to the water quality of Long Lake. The expanded dwelling will be consistent with other development in the area, and it will be well screened by existing vegetation between the road, the lake, neighboring properties, and the dwelling structure. In addition, color restrictions and vegetation clearing limits will help maintain the existing visual screen.

The applicants considered alternative expansion designs for the dwelling, including expanding the dwelling to the rear and outside the setback area without the need for a variance. This alternative design was rejected by the applicants due to extensive costs, and because it would require additional land disturbance and vegetation removal. In addition, this alternative design would require re-location of the on-site wastewater treatment system, eliminating the potential for installation of a potable well on the site. The applicants also considered expanding the height of the existing dwelling to reduce the increase in footprint, but this alternative would also require a variance and would increase visibility of the structure.

During the public hearing, the applicants stated that the proposed deck portion of the dwelling could possibly be reduced from eight feet to five feet in depth, reducing the footprint of the variance request. However, they maintained that reducing the size of the deck would not fulfill their purpose of replacing the outdoor deck space that will be lost to the kitchen expansion while maintaining enough deck space for immediate family members. In addition, Agency analysis of the proposal indicates that reduction in depth of the deck from eight feet to five feet would not change any impacts to water quality or aesthetics of the shoreline.

Denial of this variance would, in effect, preclude the applicants from expanding their pre-existing single family dwelling to accommodate a larger number of immediate family members. Agency staff has concluded that the construction of this expansion would not adversely affect the natural, scenic, and open space resources of the Park and/or the adjoining water body, or aesthetic character of the area, provided there is compliance with erosion control and stormwater management measures, compatible exterior colors, shielded outdoor lighting, and maintenance of screening vegetation. Thus, Agency staff believes that it would be reasonable for the Agency to find that the adverse consequences to the applicant resulting from denial of this variance are greater than the public purpose sought to be served by the shoreline restrictions.

Based on its analysis of the applicants' proposal, staff recommends that the Agency grant the requested variance as conditioned in the draft Order.